Reading Materials for

HARD CHOICES IN **INTERNATIONAL POLITICS**

VOLUME 3
(Case Studies – (3) Rwanda; (4) Haiti)

George Stephanopoulos

&

Craig Scott

February 1999

These materials are sold at cost to students at the University of Toronto. The materials are not for commercial sale.

BORA LACYON LAW LIBRARY

MAP 1 2 1999

FACILITY OF LAW

UNIVERSITY OF TOWORTO

BORA LASKIN LAW LIBRARY UNIVERSITY OF TORONTO

Reading Materials for

HARD CHOICES IN INTERNATIONAL POLITICS

VOLUME 3

(Case Studies – (3) Rwanda; (4) Haiti)

George Stephanopoulos

&

Craig Scott

February 1999

These materials are sold at cost to students at the University of Toronto. The materials are not for commercial sale.

Digitized by the Internet Archive in 2018 with funding from University of Toronto

TABLE OF CONTENTS

<u>Introductory Note</u>: These materials are designed to be used for courses of different lengths. <u>For students doing an intensive course</u>, the readings are marked below with asterisks (*). There are three volumes. The table of contents in each volume will indicate the contents of all three volumes.

Newspaper acronyms: GM = Globe and Mail (Toronto); NYT = New York Times; GW = Guardian Weekly; NP = National Post; TS = Toronto Star

VOLUME 1 (Background Readings)

Normativity in International (Security) Relations

Arend, "Do Legal Rules Matter?" (1998) 38 Virg. JIL 107	1
Ruggie, "The False Promise of Realism" in Brown et al., eds. Theories of War and Peace: An International Security Reader (MIT Press, 1998) 407.	25
Wendt, "Constructing International Politics" in <i>Theories of War and Peace, supra.</i> at 416	30
Mearsheimer, "A Realist Reply" in <i>Theories of War and Peace, supra.</i> at 427	35
* Krause, "Constructing International Order: Multilateralism, the United Nations System, and International Security" [preliminary draft manuscript; summer 1998]	40
Koskenniemi, "The Police in the Temple – Order, Justice and the UN: A Dialectical View" (1995) 6 EJIL 325	67
Hampson and Oliver, "Pulpit diplomacy: A critical assessment of the Axworthy doctrine" (1998) 53 International Journal 379	80
Coll, "Prudence and Foreign Policy" in Cromartie, ed., Might and Right After the Cold War: Can Foreign Policy Be Moral? (Ethics and Public Policy Center, 1993) 3	95
* Lefever, "Morality versus Moralism in Foreign Policy" in Lefever et al., eds., Ethics and World Politics: Four Perspectives (Johns Hopkins, 1972) 1	109
Schlesinger, "National Interests and Moral Absolutes" in Ethics and World Politics, supra. at 21	119
* McMahan, "Realism, Morality, and War" in Nardin, ed., The Ethics of War and Peace: Religious and Secular Perspectives (Princeton, 1996) 78	131
Humanitarian Intervention	
* Haass, "The Historical Debate" in Intervention: The Use of American Military Force in the Post-Cold War World (Carnegie Endowment, 1994) 9	138

* Murphy, "Law, Morality, and Political Theory" in <i>Humanitarian Intervention:</i> The United Nations in an Evolving World Order (U. Penn, 1996) 20	41
* Brownlie, "Thoughts on Kind-Hearted Gunmen" in Lillich, ed., <i>Humanitarian</i> Intervention and the United Nations (Univ. Press of Virginia, 1973) 139	47
Akehurst, "Humanitarian Intervention" in Bull, ed., Intervention in World Politics (OUP 1984) 95	49
Carty, "Intervention and the Limits of International Law" in Forbes and Hoffman, eds., Political Theory, International Relations, and the Ethics of Intervention (St. Martin's Press, 1993) 32	55
* Walzer, "The Moral Standing of States: A Response to Four Critics" in Beitz et al, eds, International Ethics (Princeton, 1985) 217	60
Cox News, "Somalia fast becoming a quagmire for US forces", GM, Feb. 93	64
* Luban, "The Romance of the Nation-State" in Beitz et al, eds, International Ethics (Princeton, 1985) 392	65
* Teson, "A Moral Framework for Humanitarian Intervention" in <i>Humanitarian</i> Intervention: An Inquiry Into Law and Morality (Transnational Publ., 1988) 111	68
* Farer, "An Inquiry into the Legitimacy of Humanitarian Intervention" in Damrosch and Scheffer, eds., Law and Force in the New International Order (Westview, 1991) 185	75
Falk, "The Complexities of Humanitarian Intervention: A New World Order Challenge" (1996) Michigan JIL 491	83
Vertzberger, Risk Taking and Decisionmaking: Foreign Military Intervention Decisions (Stanford, 1998) 61 ff	95
* Powell, "U.S. Forces: Challenges Ahead" in Haass, <i>Intervention, supra</i> . at 191	21
Albert, "Impossible limits of justice? Humanitarian intervention and infinite responsibility" in Wright, ed., <i>Morality and International Relations</i> (Avebury, 1996) 131	25
<u>VOLUME 2</u> (Case Studies – (1) Iraq; (2) Bosnia)	
(1) IRAQ	
Map of Iraq	1

Documents

UN Charter, arts. 1-54, 103-104, 106-107	2
* SC Res. 678 (1990)	11
* SC Res. 687 (1991)	12
* SC Res, 688 (1991)	17
UN-Iraq MOU (Feb. 23, 1998)	18
* SC Res. 1154 (1998)	19
1977 Geneva Protocol I, arts. 37, 50-59	21
1907 Hague Convention IV, Appendix, arts. 22 and 23	25
Convention in Internationally-Protected Persons, arts 1 and 2	26
Overview of Post-Ceasefire Issues	
* Gray, "After the Ceasefire: Iraq, the Security Council, and the Use of Force" (1994) 65 British YrBk. IL 135	27
Protecting the Kurds	
Stromseth, "Iraq's Repression of Its Civilian Population: Collective Responses and Continuing Challenges" in Damrosch, ed., <i>Enforcing Restraint: Collective Intervention in Internal Conflicts</i> (Council on Foreign Relations, 1993) 77	42
* Fraser, "US launches second attack on Iraq", GM, Sept 4/96, A1	54
Fagan, "US isolation weakens its hand", GM, Sept. 4/96, A1	55
* Sallot, "Sometimes we have to act alone,' US says", GM, Sept. 4/96, A9	56
Sanctions to Enforce Inspections	
Bailey, "Biological Weapons Inspections" in The U.N. Inspections in Iraq: Lessons for On-Site Verification (Westview Press, 1995) 37-53, 107-109	57
Hoskins, "The Humanitarian Impacts of Economic Sanctions and War in Iraq" in Weiss et al., eds, Political Gain, Civilian Pain: Humanitarian Impacts of Economic Sanctions (Rowman & Littlefield, 1997) 91	64

* Simons, "The Sanctions System" in The Scourging of Iraq: Sanctions, Law and Natural Justice (St. Martin's Press, 1998) 2 nd ed.	78
* Center for Economic and Social Rights, "Executive Summary" in (UN)Sanctioned Suffering: A Human Rights Assessment of United Nations Sanctions on Iraq 1-3 (May 1996)	84
* Sklaire, "The Security Council Blockade of Iraq: Conflicting Obligations Under the United Nations Charter and the Fourth Geneva Convention" (1991) 6 Am. UJIL & Policy 608	86
* Gardham, "Proportionality and Force in International Law" (1993) 87 AJIL 391 at 404	89
* Kochler, <i>The United Nations Sanctions Policy and International Law</i> (Just World Trust, 1995)	92
* Damrosch, "The Civilian Impact of Economic Sanctions" in Damrosch, ed., Enforcing Restraint, supra. at 274	95
Assassination as Course of Action?	
* Gee, "Target: Saddam Hussein" GM, Feb 18/98,	105
* Security Council Debate, "Assassination of PLO Executive Committee Member in Tunis" and SC Res. 611 (1988)	106
Security Council Action, "Armed incident" [assassination of Deputy PM of Bosnia]	107
* Reisman and Baker, Regulating Covert Action: Practices, Contexts and Policies of Covert Coercion Abroad in International and National Law (Yale U Press, 1992) 57-61, 69-71, 140-143	108
The 1993 US Bombing After the Attempted Assassination of Bush: Reprisals and Self-Defence	
* Security Council Consideration, "Iraq-United States" [US attack in response to alleged attempted assassination of former President Bush]	113
* Kritsiotis, "The Legality of the 1993 US Missile Strike on Iraq and the Right of Self-Defence in International Law" (1996) 45 ICLQ 162	114
* "Reprisals" in Fleck et al., The Handbook of Humanitarian Law in Armed Conflicts (OUP, 1995) 204-207	122
Kalshoven, Belligerent Reprisals (Sijthoff, 1971) 375-378	124
Greenwood, "The Twilight of the Law of Belligerent Reprisals"	

(1989) 20 Netherlands Yrbk, IL 35
Kalshoven, "Belligerent Reprisals Revisited" (1990) 21 Neth Yrbk IL 43
* Quigley, "Missiles with a Message: The Legality of the United States Raid on Iraq's Intelligence Headquarters" (1994) 17 Hastings Int'l and Comp L R 241 at 267
* Surchin, "Terror and the Law: The Unilateral Use of Force and the June 1993 Bombing of Baghdad" (1995) 5 Duke Jl Comp & Int Law 457 at 486
* O'Brien, "Reprisals, Deterrence, and Self-Defense in Counterterror Operations" (1990) 30 Virg JIL 459
The Debates Over the Ongoing Enforceability of SC Resolutions 678 and 687
* Wedgwood, "The Enforcement of Security Council Resolution 687: The Threat of Force Against Iraq's Weapons of Mass Destruction" (1998) 92 AJIL 724
* Security Council Debates, "Iraq and Israel" [Israeli bombing of Iraqi nuclear reactor in 1981], SC Res. 487 (1981), and GA Res.36/27
Rogers, Law on the battlefield (Manchester U Press, 1996) 2-7
"Methods and Means of Combat" in Fleck et al., <i>The Handbook of Humanitarian Law</i> in Armed Conflicts (OUP, 1995) 164 ff
* McCoubrey and White, "The Law of Bombardment" in International Law and Armed Conflict (Dartmouth, 1992) 230-234
November 1997 to January 1999
* Time Line, "From Crisis" NYT, Dec 17/98, A15
Chronology, "A Year-long Crisis", GM, Dec 17/98, A18
* Woollacott, "Bleating of UN lamb excites Iraqi tiger" GW, Nov 16/97, p 10 174 "Iraqi defiance swings support to US position" GM, Jan. 30/98, A13 175 Fairhall and Black, "War games with targets but no aims" GW, Feb 8/98, p 13 176 Editorial, "Let's be serious about Saddam" GW, Feb 8/98, p 12 178
*MacKenzie, "Bomb Baghdad? Canada should opt out" GM, Feb 10/98, A2
Immen, "Biological war could ignite new pandemic" GM, Feb 12/98, A15

Knox, "UN's Annan best man for Baghdad mission" GM, Feb 18/98, A11	187
*Joffe, "Attack? Allies Say Yes, No, and Maybe" GW, Feb 22/98, p 17	188
Editorial, "War is not an option", GW, Feb 22/98, p 12	189
*Knox, "Annan confident of deal despite US doubts", GM, Feb 25/98 A14	190
* "UN-Iraq agreement" GM, Feb 25/98, A14	
* Koring, "Diluted UN Iraq resolution passes unanimously", GM, March 3/98, A8	192
*Editorial, "Diplomacy and threats move Iraq from hard place" GM, Feb 24/98, A18	193
Koring, "Russia, US set to square off over Iraq" GM, April 23, 1998 A15	194
Editorial (Economist), "Waiting for the next Iraqi crisis" GM, April 27/98, A13	195
"Iraq's Hussein suspends weapons inspections" GM, Aug. 6/98 A16	196
Lippman, "White House planning Saddam's fall" GW August 9/98, p 15	197
Gellman and Goshko, "US Backs Away from Force" GW, Aug. 16/98, p 15	198
Myers, "US cites Iraqi role at factory in Sudan" GM, August 25/98 A1	
Ritter, "The final straw", GM Sept. 7/98 A11	200
* Koring, "US flexes muscles in Persian Gulf", GM Nov. 11/98 A17	202
*"Iraq backs down, agrees to allow inspections", NP, Nov. 16/98, A1	203
Donnelly, "UN team stands little chance of finding Iraqi weapons" NP, Nov 16/98 A9	204
Gellman, "Mourning Begins for UNSCOM" GW Nov. 22/98 p 13	205
*Clinton, Statement by the President, Dec. 16. 1998	206
Erlanger, "A Decision to Act Fast, Then Search for Support" NYT, Dec 17/98, A14	
Broad and Miller, "Clinton List Only Hints At Offenses by Iraqis" NYT Dec. 17/98 A17	211
* Editorial, "Drop a bomb to stop a bomb" GM, Dec 17/98, A26	
"Canada shows support for US attacks", GM Dec 17/98 A19	
Gellman, "UNSCOM denies tilt to US aims" GW Dec 27/98 p 13	
* Editorial (Le Monde), "Pursuing a disastrous policy on Iraq" GW Dec 27/98 p 11	
* Editorial, "At war over bombing" GW Dec 27/98 p 10	
"Diplomatic repairs to follow Iraq attacks" GW Dec 27/98 p 3	
* Whitney, "French Premier Assails US Over Iraq Air Strikes" NYT Jan. 7/98 A6	
* UN `Helped US to Spy on Saddam''' GW Jan 17/99 p 17	
* Meixler, "Some Iraqis prosper despite sanctions" GM Feb 4/99 A18	220
* Koring, "US bombs fall as Hussein vows to avenge civilians" GM Jan 27/99 A13	
Raum, "General blasts policy on Iraq" GM Jan 29/99 A16	222
* "Canada working for deal on Iraq" GM Jan 27/99 A13	223
(2) BOSNIA	
Map	224
<u>Documents</u>	
Genocide Convention	225
* SC Res. 713 (1991)	227

SC Res. 724 (1991)	228
SC Res. 771 (1992) and GA Res 46/242	229
* GA Res. 47/121	232
* SC Res. 836 (1993)	234
* Security Council Debates, "Arms embargo: request for exemption"	236
GA Res. 48/88	237
Security Council Consideration	240
GA Res. 49/10	241
Security Council Debates, "Arms embargo: request for exemption"	244
* SC Res. 1021 (1995)	246
Chronologies	
* Murphy, "Bosnia-Herzegovina (1992)" in Murphy, <i>Humanitarian Intervention</i> , supra at 198	247
Hulisman, "Key Diplomatic Events Early in the Bosnian Crisis" and "The Culmination of the Bosnian Crisis" in A Paradigm for the New World Order: A Schools-of-Thought Analysis of American Foreign Policy in the Post-Cold War Era (St. Martin's, 1997) Explanatory Frameworks and Accounts	257
Hulisman, A Paradigm for the New World Order, supra at 2-3, 8-12, 15, 18-19,	
21, 38, 58, 93-97, 105-109, 113, 120-134	259
* Gow, Triumph of the Lack of Will: International Diplomacy and the Yugoslav War (Columbia, 1997) 36-37, 323-329, 159-166, 175-183, 192-201, 212-222	277
Legal Issues: NATO's Authority to Intervene and the Arms Embargo	
* White, "The legitimacy of NATO action in Bosnia" (1994) 144 New Law Jl 649	301
* Damrosch, "The Civilian Impact of Economic Sanctions" in Damrosch, ed., Enforcing Restraint, supra. at 274	303
Scott et al, "A Memorial for Bosnia:" (1994) 16 Michigan JIL 1	307

	4 *	, •
(An	fini	ation
COII	HIII	ativii

Continuation	
Dahl, "Two sides in Bosnia await ruling" GM Feb. 9/99 A16	344
Ulbrich, "Details of Kosovo peace pact priority for mediators at talks" GM Feb. 9/99 A16	345
<u>VOLUME 3</u> (Case Studies – (3) Rwanda; (4) Haiti)	
(3) RWANDA	
Map	1
<u>Documents</u>	
SC Res. 872 (1993)	2
* SC Res. 918 (1994)	3
* SC Res. 929 (1994)	6
<u>Preludes</u>	
* Coulon, [on Somalia] in Soldiers of Diplomacy: The United Nations, Peacekeeping and the New World Order (U of Toronto Press, 1998) 78-87, 180-187	7
* Coulon, [on French aspirations] in Soldiers of Diplomacy: The United Nations, Peacekeeping and the New World Order (U of Toronto Press, 1998) 154-164, 169-171, 187-189	15
<u>Narratives</u>	
* Murphy, "Rwanda (1994)" in Murphy, Humanitarian Intervention, supra	23
Boutros-Ghali, "Introduction" in United Nations, <i>The United Nations and Rwanda</i> , 1993-1996 (DPI/UN, 1996) 1	30
* Barrett, "The UN Security Council, Indifference and Genocide in Rwanda" 12 Cultural Anthropology 551	40
Recrimination and Revelations in the Aftermath	
* Straus, "UN ignored my pleas: Dallaire" GM Feb 26/98	53

* "Annan blames ennui for deaths in Rwanda" GM March 18/98	.54
* "Clinton's Painful Words of Sorrow and Chagrin" NYT March 26/98 A12	.55
* Weiner, "Critics Say US ignored CIA Warnings of Genocide in Rwanda" NYT March 26/98 A12	56
* "UN alerted three nations to genocide" GM April 13, 1998 A8	.57
* Gourevitch, "The Genocide Fax" The New Yorker (May 11, 1998) p 42	.58
"Rwanda warning ignored: magazine" GM, May 4, 1998 A8	62
* Knox, "Boutros-Ghali admits Rwanda errors" GM Sept. 10/98 A18	63
Thompson, "General haunted by Rwanda ordeal takes medical leave" TS Nov. 3/98 A1	64
* Raitberger, "French role defended in probe of Rwanda" GM April 22/98	65
* Ourdan, "France exonerates itself over Rwanda" GW Dec. 27/98 p 11	66
(4) HAITI	
(4) HAITI Map	67
	67
Map	
Map	68
Map Documents * Charter of the OAS.	68
Map Documents * Charter of the OAS SC Res. 841 (1993)	68 71 74
Map	68 71 74
Map Documents * Charter of the OAS. SC Res. 841 (1993) GA Res. 48/27 SC Res. 917 (1994)	68 71 74
Map	68 71 74 76

* Reisman, "Sovereignty and Human Rights in Contemporary International Law" (1990) 84 AJIL 866	86
Scott, "Grenada, Nicaragua and Panama: Tracking Force-for-Democracy Discourse in the 1980s" in CCIL, ed, Selected Papers in International Law (Kluwer, 1998)	93
* Carothers, "Empirical Perspectives on the Emerging Norm of Democracy in International Law" (1992) 86 Proceedings ASIL 261	103
Carothers, "ASIL and Carnegie Present Program on Haiti" (June-Aug. 1994) ASIL Newsletter 16	104
Chronologies	
Acevedo, "The Haitian and the OAS Response: A Test of Effectiveness in Protecting Democracy" in Damrosch, ed, <i>Enforcing Restraint</i> , <i>supra</i> at 119	105
Dupuy, "Chronology" in Haiti in the New World Order (Westview Press, 1997) 175	108
* Murphy, "Haiti (1993-94)" in Murphy, Humanitarian Intervention, supra at 260	113
Interests at Stake	
* Preeg, "Introduction: The Haitian Challenge" in Fauriol, ed., <i>The Haitian Challenge: U.S. Policy Considerations</i> (CSIS, 1993)	1
* Dupuy, Haiti in the New World Order (Westview Press, 1997) 175	126
* "President on Haiti: US Interests At Stake" NYT Oct. 16/93 p 4	129
International Politics as Domestic Politics	
Merida, "Hill's Black Caucus Faults US Policy on Haiti, Presses for Aristide's Return" Wash Post March 24/94 A7	130
Greenhouse, "Aristide Condemns Clinton's Haiti Policy as Racist" NYT April 22/94 p A1	131
* Williams, "Aristide Beats Clinton to Moral High Ground" Wash. Post May 6/94 A11	132
Gordon and Schmitt, "US fears Haitian trap" GM May 31/94 A14	133
Snow, "Many Haitians favour invasion" GM June 6/94	134
* Jehl, "Clinton Seeks UN Approval of Any Plan to Invade Haiti" NYT July 22/94	135
Lyons, "UN Authorizes Invasion of Haiti to be Led by US"	136

Commentary on the Invasion

* Reisman, "Haiti and the Validity of International Action" (1995) 89 AJIL 82	137
* Glennon, "Sovereignty and Community After Haiti: Rethinking the Collective Use of Force" (1995) 89 AJIL 70	138
* Weller, "Democracy through fire and sword?" (Oct. 7, 1994) New Law Jl 1385	141
* Falk, "The Haiti Intervention: A Dangerous World Order Precedent for the United Nations" (1995) 36 Harvard ILJ 341	143
"Haitians Debate the Occupation" (1994) 28 NACLA Report on the Americas 2	153
The Refugee Interdiction Question	
* Human Rights Watch et al, "No Port in a Storm" in Ridgeway, ed., <i>The Haiti Files:</i> Decoding the Crisis (Essential Books, 1994) 191	154
Ratner/Center for Constitutional Rights, "Guantanamo Bay: When Will the Suffering End?" in Ridgeway, ed., <i>The Haiti Files: Decoding the Crisis</i> (Essential Books, 1994) 199	158
Canham-Clyne, "Selling Out Democracy" in Ridgeway, ed., <i>The Haiti Files: Decoding the Crisis</i> (Essential Books, 1994) 108.	160
Lawyers Committee for Human Rights, Refugee Refoulement: The Forced Return of Haitians Under the US-Haitian Interdiction Agreement (March 1990).	164
* Sale v. Haitian Centers Council, 113 S.Ct. 2549 (1993)	174
Meron, "Extraterritoriality of Human Rights Treaties" (1995) 89 AJIL 78	186
* Koh, "The `Haiti Paradigm' in United States Human Rights Policy" (1994) 103 Yale Law Jl 2391 at 2409	189

